

DECLARATION AND POWER OF ATTORNEY

As the below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe that we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled TISSUE SITE MARKERS FOR IN VIVO IMAGING the specification of which was filed with the United States Patent and Trademark Office on November 20, 2000, and assigned Serial No. 09/717,909.

This application discloses and claims subject matter disclosed in the following earlier filed applications: Serial No. 09/241,936 filed on February 2, 1999; and Serial No. 09/343,975 filed on June 30, 1999.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by or any amendment(s) referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application and to patentability as defined in Title 37, Code of Federal Regulations §1.56.

We hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: None.

We hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations §1.56, which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Application Serial No. 09/241,936 filed on February 2, 1999; and
U.S. Application Serial No. 09/343,975 filed on June 30, 1999.

We hereby declare under penalty of perjury under the laws of the United States of America that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true;

and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

WILLIAM B. ANDERSON, Registration No. 41,585
Y. PING CHOW, Registration No. 30,740
DEREK P. FREYBERG, Registration No. 29,250
WALTER KURZ, Registration No. 37,373
EDWARD J. LYNCH, Registration No. 24,422
PRISCILLA H. MARK, Registration No. 41,970
WILLIAM SCHMONSEES, Registration No. 31,796
SOODABEH TRONSON, Registration No. 41,354
HERWIG von MORZE, Registration No. 29,484
JAMES ALLAN FOX, Registration No. 38,455

of the firm

Heller Ehrman White & McAuliffe
275 Middlefield Road
Menlo Park, CA 94025-3506
Telephone: (650) 324-7000

and

COLIN D. BARNITZ, Registration No. 35,061
WILLIAM A. BLAKE, Registration No. 30,548
GEORGE M. COOPER, Registration No. 20,201
FELIX J. D'AMBROSIO, Registration No. 25,721
DOUGLAS R. HANSCOM, Registration No. 26,600
JIM W. HELLWEGE, Registration No. 28,808
ERIC S. SPECTOR, Registration No. 22,495

of the firm:

Jones Tullar & Cooper, P.C.
2001 Jefferson Davis Highway
Box 2266, EADS Station
Arlington, VA 22202
Telephone: (703) 415-1500

Direct all correspondence to:

Edward J. Lynch
Heller Ehrman White & McAuliffe LLP
275 Middlefield Road
Menlo Park, CA 94025-3506
Tel. No.: (650) 324-7000
Direct Dial: (650) 324-7098
Facsimile: (650) 324-0638

Full name of First Joint Inventor: Fred H. Burbank

Executed on 23rd day of April, 2001.

Inventor's Signature:

Residence:

Citizenship:

Post Office Address:

Fred H. Burbank

12 Old Ranch Road

Laguna Niguel, California 92677

United States

(same as above)

Full name of Second Joint Inventor: Paul Lubock

Executed on 23rd day of April, 2001.

Inventor's Signature:

Residence:

Citizenship:

Post Office Address:

Paul Lubock

30 Bethany

Laguna Niguel, California 92677

United States

(same as above)

Full name of Third Joint Inventor: Michael L. Jones

Executed on 1 day of May, 2001.

Inventor's Signature:

Residence:

Citizenship:

Post Office Address:

Michael L. Jones

34441 Camino El Molino

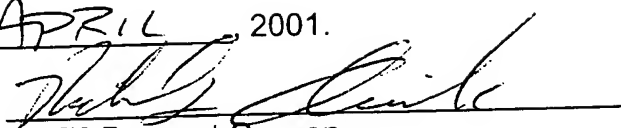
Capistrano Beach, California 92624

United States

(same as above)

Full name of Fourth Joint Inventor: Richard L. Quick

Executed on 23rd day of APRIL, 2001.

Inventor's Signature: 

Residence:

22970 Bouquet Canyon
Mission Viejo, California 92692

Citizenship:

United States

Post Office Address:

(same as above)

Full name of Fifth Joint Inventor: Frank Louw

Executed on 23rd day of April, 2001.

Inventor's Signature: 

Residence:

2838 Cazadero
Carlsbad, California 92009

Citizenship:

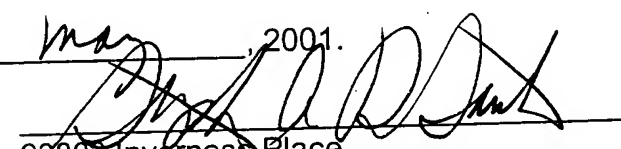
United States

Post Office Address:

(same as above)

Full name of Sixth Joint Inventor: Stephen A. De Santis

Executed on 1st day of May, 2001.

Inventor's Signature: 

Residence:

23802 Inverness Place
Laguna Niguel, California 92677

Citizenship:

United States

Post Office Address:

(same as above)

5-29-01

Form PTO-1595
U.S. Department of Commerce

06-04-2001

Patent and Trademark Office



OVER SHEET

101736787 JULY

To the Assistant Commissioner for Patents: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

- 1) Fred H. Burbank
- 2) Paul Lubock
- 3) Michael L. Jones
- 4) Richard L. Quick
- 5) Frank Louw
- 6) Stephen A. De Santis

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies):

Company: SenoRx, Inc.
Address: 11 Columbia, Suite A
City/State/Zip: Aliso Viejo, CA 92656

Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Change of Name
- ☐ Security Agreement ☐ Merger
- ☐ Other:

Execution Dates: #1,2,4 & 5) April 23, 2001 #3 & 6) May 1, 2001

4. Application number(s) or patent number(s): (09/717,909)

Attorney Docket No. 26684-1150

If this document is being filed together with a new application, the execution date of the application is _____

A. Patent Application No. _____

B. Patent No.(s): _____

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning this document should be mailed:

Name: Edward J. Lynch
Company: Heller Ehrman White & McAuliffe LLP
Street Address: 275 Middlefield Road
City/State/Zip: Menlo Park, CA 94025-3506

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41) \$ 40.00

☒ Enclosed☒ Authorized deficiencies be charged to Deposit Account

8. Deposit Account Number: 08-1641

DO NOT USE THIS SPACE

9. Statement and Signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

James A. Fox
Name of Person Signing

38,455
Reg. No.

Signature

May 23, 2001
Date

Total number of pages including cover sheet, attachments and document: 4

ASSIGNMENT

This Assignment is made by, Assignors, Fred H. Burbank of Laguna Niguel, California; Paul Lubock of Laguna Niguel, California; Michael L. Jones of Capistrano Beach, California, Richard L. Quick of Mission Viejo, California, Frank Louw of Carlsbad, California and Stephen A. De Santis of Laguna Niguel, California; to SENORX, INC., a California Corporation, Assignee, of Aliso Viejo, California.

WHEREAS, Assignors have invented a new and useful **TISSUE SITE MARKERS FOR IN VIVO IMAGING**, the specification of which was filed with the United States Patent and Trademark Office on November 20, 2000 and assigned Serial No. 09/717,909;

WHEREAS, Assignors believe themselves to be the original, first and joint inventors of the invention disclosed and claimed in said application for Letters Patent; and,

WHEREAS, Assignee desires to acquire the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors hereby sell, assign and transfer to Assignee, the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign

applications any priority rights to which such applications are entitled under international conventions, treaties or otherwise.

Further, Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representatives and assignees will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording or maintaining the title of Assignee, its successors and assignees, to the interest assigned herein to said invention, said application and any Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the assignment herein.

Assignors authorize and request the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for said invention, whether on said application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

IN.WITNESS WHEREOF, Assignors have executed this Assignment on
the dates written hereinbelow.

Assignors

4/23/01
Date

Fred H. Burbank
Fred H. Burbank

4/23/01
Date

Paul Lubock
Paul Lubock

5/1/01
Date

Michael L. Jones
Michael L. Jones

4/23/01
Date

Richard L. Quick
Richard L. Quick

4/23/01
Date

Frank Louw
Frank Louw

5/1/01
Date

Stephen A. De Santis
Stephen A. De Santis